

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION DETROIT

IN RE: Aaron Smith

Case Number 15-57761

Chapter 7

Judge Tucker

Debtor.

\_\_\_\_\_  
Charles L Basch II (P63964)  
Law Office of Charles L Basch II  
Attorney for Debtor  
100 Kercheval, Suite D  
Grosse Pointe Farms, MI 48236  
[chuckbasch@gmail.com](mailto:chuckbasch@gmail.com)  
313-343-9930  
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**RESPONSE TO UNITED STATES TRUSTEE MOTION TO DISMISS UNDER 11**  
**U.S.C. SECTION 707(B)(2) and (3)**

NOW COMES THE DEBTOR, Aaron Smith, and hereby states in response to the Unites States Trustee Motion to Dismiss.

JURISDICTION

1. Admit.
2. Admit.
3. Admit.
4. Neither Admit nor Deny, as the amounts may change.

PRESUMED ABUSE UNDER 11 U.S.C Section 707(b)(2)

5. Admit.
6. Admit.
7. Admit. Based on the calculations made by debtor's counsel that is the debtors position.

8. Admit. Based on the calculations made by debtor's counsel that is the debtors

position.

9. Deny.

10. Deny.

11. Deny.

12. Admit.

13. Neither Admit nor Deny.

ABUSE PURSUANT TO 11 U.S.C Section 707(b)(3) TOTALITY OF  
CIRCUMSTANCES

14. Admit.

15. Admit. And the amounts have since changed.

16. Admit. And the amounts have since changed.

17. Deny. This is the debtor's court ordered domestic support obligation.

18. Deny.

19. Deny. However, in opposition to the outright dismissal of debtor's chapter 7 case he would rather convert his case to a chapter 13, and make a reasonable attempt to pay off some of his debt.

20. Deny. However, in opposition to the outright dismissal of debtor's chapter 7 case he would rather convert his case to a chapter 13, and make a reasonable attempt to pay off some of his debt.

WHEREFORE, the Debtor, Aaron Smith, requests that the United States Trustee Motion to Dismiss is denied and that an order allowing debtor to file a motion to convert his case to chapter 13 be filed.

/s/ Charles L Basch II  
Charles L Basch II (P63964)  
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Attorney for the Debtor  
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**CERTIFICATE OF SERVICE**

The undersigned, Charles L. Basch II, certifies that on February 29, 2016 he served a copy of the RESPONSE TO UNITED STATES TRUSTEE'S MOTION TO DISMISS, on the parties below by placing copies of the attached in sealed envelopes addressed to the respective parties, with adequate postage thereon and dropping same into a United States mail box and by electronic means to those parties subscribing to the CM/ECF system.

UNITED STATES TRUSTEE  
DANIEL MCDERMOTT  
c/o Claretta Evans, Trial Attorney  
VIA CM/ECF

all parties on attached matrix (IF ATTACHED).

**/s/ Charles L. Basch II**  
**CHARLES L. BASCH II (P63964)**  
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